

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

PAUL FREDERICK CASTO,

Petitioner

v.

//

CIVIL ACTION NO. 1:07CV135
CRIMINAL NO. 1:06CR41-1
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 1, 2007, pro se petitioner Paul Frederick Casto ("Casto") filed a motion pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody. On June 18, 2008, United States Magistrate Judge John S. Kaull entered a detailed Report and Recommendation ("R&R") recommending that this Court deny Casto's § 2255 motion and dismiss this case with prejudice. On July 23, 2008, Casto filed objections to the R&R.

Upon de novo review, the Court finds that the Magistrate Judge properly applied the controlling legal standard of Matthews v. United States, 485 U.S. 58 (1988), when he determined that Casto's allegation of entrapment was meritless. The Magistrate Judge also properly applied the controlling legal standard of Strickland v. Washington, 466 U.S. 668 (1984), when he determined that Casto's allegation of ineffective assistance of counsel was meritless.

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (civil dkt. no. 16, criminal dkt. no. 60), **DENIES** Casto's § 2255 petition (civil dkt. no. 1, criminal dkt. no. 41)

ORDER ADOPTING REPORT AND RECOMMENDATION

and **DISMISSES** this case **WITH PREJUDICE**. The Court directs the Clerk's office to **STRIKE** this case from the docket of this Court.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested and counsel of record.

Dated: July 24, 2008.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE